

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHRISTOPHER GAKURU MIGWI, )  
 )  
 Petitioner, )  
 )  
 v. ) CIVIL ACTION NO.  
 )  
 JOSEPH D. MCDONALD, SHERIFF, )  
 )  
 Respondent. )

ORDER

GORTON, J.

Petitioner Christopher Gakuru Migwi ("Migwi"), a native and citizen of Kenya, instituted this habeas action on January 14, 2016, pursuant to 28 U.S.C. § 2241 alleging that his continued post-removal detention by Immigration Customs Enforcement ("ICE") of the Department of Homeland Security violates his constitutional rights under the principles of due process articulated by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678 (2001).

On January 16, 2016, petitioner paid the \$5 filing fee. Because Migwi presents a colorable claim for habeas relief, the clerk will be directed to serve the petition.

Accordingly, it is hereby ORDERED that:

- (1) The Clerk of this Court shall serve a copy of the Petition upon the United States Attorney for the District of Massachusetts and Sheriff Joseph D. McDonald.
- (3) The Respondent shall, within 21 days of this Order, file an answer or other responsive pleading.
- (4) The Respondent shall provide the Court with at least 48

hours (i.e. two (2) business days) notice prior to any removal of petitioner from the jurisdiction.

**So ordered.**

/s/ Nathaniel M. Gorton

Nathaniel M. Gorton

United States District Judge

Dated: January 26, 2016